

|                                                                                |
|--------------------------------------------------------------------------------|
| USDC SDNY<br>DOCUMENT<br>ELECTRONICALLY FILED<br>DOC #:<br>DATE FILED: 8/12/21 |
|--------------------------------------------------------------------------------|

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GEICO INDEMINITY COMPANY AS  
SUBROGOR OF JAIME A. PEREZ,

Plaintiff,

-against-

UNITED STATES OF AMERICA,  
Defendant.

21-CV-4547 (BCM)

**ORDER SCHEDULING INITIAL CASE  
MANAGEMENT CONFERENCE**

**BARBARA MOSES, United States Magistrate Judge.**

The parties in this case having consented to the jurisdiction of the undersigned magistrate judge for all purposes, pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, all motions and applications must be made to the Hon. Barbara Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

It appears to the Court that no initial case management and scheduling conference has yet taken place in this action. The August 26, 2021 conference before Judge Failla is hereby ADJOURNED. An initial case management conference will be held before Judge Moses on **September 15, 2021 at 11:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. At the conference, counsel must be prepared to discuss the status of the case and the subjects set forth in Fed. R. Civ. P. 16(b) and (c).

It is further **ORDERED** that counsel shall meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than 21 days prior to the initial case management conference. No later than one week (seven calendar days) prior to the conference, the parties shall file a Pre-Conference Statement, via ECF, signed by counsel for all parties. The Statement, which will constitute the written report required by Fed. R. Civ. P. 26(f)(2), shall contain the following information:

1. The date of the conference and appearances for the parties, including the names of the individual attorneys who will attend, their law firms, addresses, and telephone numbers, and the party or parties represented. The Court expects each party's principal trial attorney to attend the conference.
2. A concise statement of the nature of the case and the issues as they appear on the date of the Statement, including any issues as to jurisdiction or venue and any pending or anticipated motions pursuant to Fed. R. Civ. P. 12(b) or (c).
3. A proposed deadline for joining additional parties, amending the pleadings, or moving for leave to do so.
4. A proposed discovery schedule including:
  - a. A date for exchanging the automatic disclosures required by Fed. R. Civ. P. 26(a)(1)(A), or the date on which such disclosures were accomplished;
  - b. Dates for the service of initial document production requests and interrogatories (limited in accordance with Local Civil Rule 33.3);
  - c. A date by which all fact depositions will be completed, including the names (if known) or descriptions of persons expected to be deposed;
  - d. A date for the close of all fact discovery;
  - e. Dates by which each party's expert report(s) or other expert disclosure, and any responding reports, will be supplied to the adversary;
  - f. A date by which expert depositions will be completed; and
  - g. A date for the close of all discovery.
5. Any proposed limitations to be placed on discovery, including protective or confidentiality orders. The parties may (but are not required to) use the Model Protective Order found on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.
6. Any anticipated discovery issues that may warrant early attention from the Court (including issues relating to the preservation, retrieval and/or production of electronically stored information).
7. A date, approximately 30 days prior to the close of fact discovery, for a telephonic status conference with the Court.
8. Whether and when the case should be (a) referred to mediation or (b) scheduled for a judicial settlement conference.
9. A date for the filing of summary judgment motions.

10. A date for the submission of a joint pretrial order.
11. The anticipated length of trial and whether (and by which party) a jury has been requested.

To the extent the parties are in disagreement concerning any portion of the Pre-Conference Statement, they may submit separate proposals as to such portion, without argument.

**PLEASE BE AWARE THAT, FOR THE DURATION OF THE COVID-19 NATIONAL EMERGENCY, UNLESS OTHERWISE ORDERED BY THE COURT:**

**Conferences and Hearings.** Certain court conferences and hearings will be conducted by teleconference. If a proceeding is scheduled to take place by teleconference, the parties must call (888) 557-8511 a few minutes before the proceeding is scheduled to begin and enter the access code 7746387. Please treat the teleconference as you would treat a public court appearance. If a conference or hearing in another matter is ongoing, please be silent (mute your line) until your case is called.

**Remote Depositions.** Pursuant to Fed. R. Civ. P. 30(b)(3) and (b)(4), all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

Dated: New York, New York  
August 12, 2021

**SO ORDERED.**



---

**BARBARA MOSES**  
United States Magistrate Judge